

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND CHARLES MORRIS,

Petitioner,

v.

J. MACDONALD, Warden,

Respondent.

Case No. [16-cv-01736-DMR](#) (PR)

**ORDER OF TRANSFER**

Petitioner, a state prisoner who is incarcerated at the La Palma Correctional Center in Arizona, has filed this *pro se* petition for a writ of habeas corpus challenging a judgment of conviction from the Shasta County Superior Court. Dkt. 1. Petitioner has consented to magistrate judge jurisdiction in this action, which has been assigned to the undersigned Magistrate Judge. *Id.* at 8. Petitioner has also filed a motion for leave to proceed *in forma pauperis*. Dkt. 2.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See Habeas L.R.* 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Here, Petitioner challenges a conviction and sentence incurred in the Shasta County Superior Court, which is within the venue of the Eastern District of California. *See* 28 U.S.C.

1 § 84. Because Petitioner is challenging his conviction, venue for the instant habeas action is  
2 proper in the district of conviction. 28 U.S.C. § 2241(d).

3 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,  
4 this action is TRANSFERRED to the United States District Court for the Eastern District of  
5 California.<sup>1</sup> The Clerk shall transfer the case forthwith.

6 All remaining pending motions are TERMINATED on this court's docket as no longer  
7 pending in this district. Dkt. 2.

8 IT IS SO ORDERED.

9 Dated: April 14, 2016



DONNA M. RYU  
United States Magistrate Judge

United States District Court  
Northern District of California

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28 <sup>1</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the  
jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).